

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA and FRANK  
J. KELLEY, ATTORNEY GENERAL FOR THE  
STATE OF MICHIGAN, EX REL MICHIGAN  
NATURAL RESOURCES COMMISSION, and  
DIRECTOR OF THE MICHIGAN DEPARTMENT  
OF NATURAL RESOURCES,

Plaintiffs,

Civil Action No. 87-70992

vs.

Hon. John Feikens

WAYNE COUNTY, MICHIGAN; CITY OF  
ALLEN PARK; CITY OF BELLEVILLE;  
TOWNSHIP OF BROWNSTOWN; CITY OF  
DEARBORN HEIGHTS; CITY OF ECORSE;  
CITY OF LINCOLN PARK; CITY OF RIVER  
ROUGE; CITY OF RIVERVIEW; CITY OF  
ROMULUS; CITY OF SOUTHGATE; CITY OF  
TAYLOR; TOWNSHIP OF VAN BUREN;  
CITY OF WYANDOTTE; SOUTHGATE-  
WYANDOTTE RELIEF DRAIN DRAINAGE  
DISTRICT; and ECORSE CREEK POLLUTION  
ABATEMENT DRAIN, NO. 1 DRAINAGE DISTRICT,

Defendants.

SEYBURN, KAHN, GINN,  
BESS AND SERLIN  
PROFESSIONAL CORPORATION  
2000 TOWN CENTER, SUITE 1500  
SOUTHFIELD, MICHIGAN 48075-1195  
(248) 353-7620

FILED  
2002 AUG 19 P 2:58  
U.S. DIST. COURT  
EAST DIST. MICH.

**DEFENDANTS' RENEWED MOTION TO AMEND THE MAY 24, 1994 CONSENT  
DECREE TO ALLOW FOR ONE YEAR EXTENSION OF BYPASS DEADLINE**

Defendants, Wayne <sup>and</sup> County and the Downriver Communities, by and through Wayne County  
Corporation Counsel and Seyburn, Kahn, Ginn, Bess and Serlin, P.C., renew their Motion to Amend  
the May 24, 1994 Consent Decree filed on June 5, 2002. In support of this renewed motion, Wayne  
County and the Downriver Communities state:

1. Paragraph 10.E. of the May 24, 1994 Consent Decree currently states that by October  
1, 2002, all unpermitted bypass points in the Downriver Collection and Treatment System shall be

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removed or sealed, except for those bypass locations listed in Paragraph 10.F. of the May 24, 1994 Consent Decree.

2. On June 5, 2002, Defendants filed a motion and supporting brief requesting Paragraph 10.E. of the May 24, 1994 Consent Decree be amended to extend the deadline to October 1, 2003, for removing or sealing the unpermitted bypasses ("Motion"). A copy of the Motion is attached as Exhibit A.

3. On July 11, 2002, this Court ruled to hold the Motion in abeyance.

4. To date, this Court has not ruled on the Motion.

5. Defendants require thirty (30) days to properly seal or remove the bypasses. Thus, if the Court fails to promptly grant the Motion or an extension by September 1, 2002, then the Defendants risk violating the Consent Decree while waiting for this Court's decision.

6. Accordingly, Defendants renew their Motion and corresponding brief. Alternatively, Defendants request that the deadline under Paragraph 10.E. of the May 24, 1994 Consent Decree be extended until this Court has an opportunity to hear the Motion.

WHEREFORE, Defendants respectfully request that this Court grant Defendants' Motion to Amend the May 24, 1994 Consent Decree and enter the proposed Third Amendment to the May 24, 1994 Consent Decree.

Respectfully submitted,

COUNTY OF WAYNE  
CORPORATION COUNSEL

SEYBURN, KAHN, GINN,  
BESS AND SERLIN, P.C.

By: Edward D. Ewell Jr. *per permission*

By: Beth S. Gotthelf

EDWARD EWELL, JR. (P38962) *ES*  
WILLIAM WOLFSON (P35764)  
MARY ROSE MacMILLAN (P32685)  
LAVONDA JACKSON (P54982)  
Attorneys for Plaintiff  
415 Clifford Street, Fifth Floor  
Detroit, Michigan 48226  
(313) 224-6678

BETH S. GOTTHELF (P38951)  
AUDRA D. MURDOCK (P61002)  
Co-Counsel for Plaintiff  
2000 Town Center, Suite 1500  
Southfield, Michigan 48075  
(248) 353-7620

DATED: August 19, 2002

SEYBURN, KAHN, GINN,  
BESS AND SERLIN  
PROFESSIONAL CORPORATION  
2000 TOWN CENTER, SUITE 1500  
SOUTHFIELD, MICHIGAN 48075-1195  
(248) 353-7620

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EASTERN DISTRICT OF MICHIGAN

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